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CTX Mortgage Company, LLC and
Kevin Gillespie.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

TINA SPANN-NEWELL, an individual

Plaintiff,

v.

CASE NO.: 2:10-cv-01293-KJD-LRL

ORDER GRANTING
MOTION TO DISMISS

RALPH LENZI, and/or his successor, individually,
and in his official capacity as PRES/CEO OF
AURORA LOAN SERVICES, LLC, an ens legis
being used to conceal fraud,;

KEVIN GILLESPIE/ MANAGER and/or his
successor, individually, and in his official capacity
as PRES/CEO of CTX MORTGAGE COMPANY,
LLC, an ens legis being used to conceal fraud,;

WELLINGTON PAYANO and/or his successor,
individually, and in his official capacity as,
AGENT OF RECONTRUST COMPANY, N.A., an
ens legis being used to conceal fraud,;

R.K. ARNOLD, and/or his successor, individually,
and in his official capacity as, PRES/CEO OF
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC, an ens legis being used to conceal
fraud,;

MICHAEL J. WILLIAMS and/or his successor,
individually, and in his official capacity as,
PRES/CEO OF FEDERAL NATIONAL
MORTGAGE ASSOCIATION (FANNIE MAE),
an ens legis being used to conceal fraud,;

AND JOHN DOES (Investors) 1-10,000,
et al,

Defendants.

1 KEVIN GILLESPIE (“Gillespie”) and CTX MORTGAGE COMPANY LLC (“CTX”
 2 collectively hereinafter “Defendants”), by and through their attorneys, Wolfe & Wyman LLP, filed
 3 a Motion to Dismiss Plaintiff’s Complaint (Docket No. 4) on August 4, 2010. The Docket Report
 4 indicates that a Response to Defendant’s Motion to Dismiss was due by August 21, 2010.

5 Defendants, AURORA LOAN SERVICES, LLC (“Aurora”), RALPH LENZI, MORTGAGE
 6 ELECTRONIC REGISTRATION SYSTEMS, INC. (“MERS”) and R.K. ARNOLD filed a Joinder
 7 (Docket No. 8) on August 10, 2010.

8 Defendant MICHAEL J. WILLIAMS and Non-party FEDERAL NATIONAL MORTGAGE
 9 ASSOCIATION (FANNIE MAE) filed a Joinder (Docket No. 14) on August 27, 2010.

10 Plaintiff, TINA SPANN-NEWELL, has failed to file a response to the Motion to Dismiss and
 11 Joinders thereto.

12 Defendant MICHAEL J. WILLIAMS and Non-party FEDERAL NATIONAL MORTGAGE
 13 ASSOCIATION (FANNIE MAE) filed a Notice of Non-Response (Docket No. 21) on September 17,
 14 2010.

15 The Court having considering the moving papers, its own files, and good cause appearing,
 16 FINDS as follows:

17 1. Pursuant to Local Rule 7-2(b), any Response and/or Opposition to Defendant’s
 18 Motion to Dismiss was required to be filed with the Court and served within fourteen (14) days after
 19 service of the Motion. No Response and/or Opposition has been submitted to the Court or served on
 20 opposing party within the prescribed timeline. Pursuant to Local Rule 7-2(d), the failure of an
 21 opposing party to file Points and Authority in response to any motion shall constitute consent to the
 22 granting of the motion.

23 2. The Court may grant the Motion to Dismiss without a hearing where a Local Rule
 24 provides another party who has failed to timely file an Opposition is deemed to have waived any
 25 objection to the Motion. Eaton v. Reno, 216 F.3d 1082, 1082 (9th Cir. 2000).

26 3. The Court may grant the Motion to Dismiss for failure to follow local rules if these
 27 five factors weigh in favor of dismissal: “(1) the public’s interest in expeditious resolution of
 28 litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants, (4) the

1 public policy favoring disposition of cases of their merits; and (5) the availability of less drastic
2 sanctions.” Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

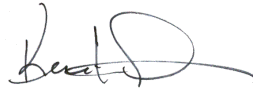
3 4. The Court finds that the five Ghazali factors weigh in favor of dismissal.

4 5. The Court has reviewed Defendant’s Motions, and finds them to have merit.

5 IT IS THEREFORE ORDERED, that based on the foregoing, Defendants’ Motion to
6 Dismiss Plaintiff’s Complaint and all joinders thereto are hereby GRANTED.

7 IT IS FURTHER ORDERED that Plaintiff’s Complaint is DISMISSED with prejudice.

8 IT IS SO ORDERED on this 24th day of February, 2010.

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12 UNITED STATES DISTRICT COURT JUDGE

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16 Submitted by:

WOLFE & WYMAN LLP

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19 By: /s/ Colt B. Dodrill

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